

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-050966

11/02/2009

HONORABLE EDDWARD BALLINGER, JR.

CLERK OF THE COURT
M. Hovorka/R. Tomlinson
Deputy

HELVETICA SERVICING INC

DONNELLY A DYBUS

v.

KELLY R PASQUAN, et al.

MARY GRACE MCNEAR

DANIEL L KLOBERDANZ

MINUTE ENTRY

NE Courtroom 112

8:36 a.m. This is the time set for Hearing on Defendant Kelly R. Pasquan's Motion for Expedited Oral Argument on Defendant Kelly Pasquan's Second Motion to Vacate Order Concerning Immediate Possession, filed September 25, 2009. Plaintiff is represented by counsel, Donnelly A. Dybus. Defendant Kelly R. Pasquan is present and is represented by counsel, Mary Grace McNear. Defendant Michael S. Pasquan is present and is represented by counsel, Daniel L. Klobberdanz.

Court Reporter, Kim Hannan, is present.

Discussion is held, specifically with regards to the following:

- Defendant Michael Pasquan's Application for Determination of Fair Market Value
- Plaintiff's Emergency Motion to Set Aside Sheriff's Redemption

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- Plaintiff's Motion to Strike and Motion for Sanctions
- Defendant Michael Pasquan's Legal Brief on Anti-Deficiency Issues

For the reasons set forth on the record,

IT IS ORDERED denying Defendant Kelly R. Pasquan's Second Motion to Vacate Order Concerning Immediate Possession. Defendant must surrender possession of the premises by **November 10, 2009**.

IT IS FURTHER ORDERED setting an Order to Show Cause Hearing concerning possession for **November 10, 2009 at 4:30 p.m. (30 minutes allotted)** in this division. Upon notification to the Court that Ms Pasquan has surrendered possession of the premises, this hearing shall be vacated.

IT IS FURTHER ORDERED setting a Fair Market Value Hearing on **January 22, 2010 at 1:30 p.m. (3 hours allotted)**. Note: Due to Judicial rotations the hearing set herein will be held before:

**HONORABLE CATHY M. HOLT
SUPERIOR COURT OF ARIZONA
NORTHEAST REGIONAL COURT CENTER
18380 NORTH 40TH STREET
COURTROOM 112
PHOENIX, ARIZONA 85032
602.506.3105**

IT IS FURTHER ORDERED deeming Plaintiff's Emergency Motion to Set Aside Sheriff's Redemption moot.

IT IS FURTHER ORDERED denying Plaintiff's Motion to Strike and motion for sanctions.

Plaintiff moves orally for an Evidentiary Hearing on Defendant Kelly R. Pasquan's Second Motion to Vacate Order Concerning Immediate Possession.

IT IS ORDERED denying Defendant's motion for an Evidentiary Hearing.

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IT IS FURTHER ORDERED denying the requested relief sought in Defendant Michael Pasquan's Legal Brief on Anti-Deficiency Issues.

IT IS FURTHER ORDERED signing this minute entry as the formal order of this Court.

/ s / EDDWARD P. BALLINGER, JR.

JUDICIAL OFFICER OF THE SUPERIOR COURT

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>